



SDMS DocID

2074875

Via Federal Express**The Dow Chemical Company**
Midland, Michigan 48674

January 9, 2006

Harry R. Steinmetz (3HS62)
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: **Response of The Dow Chemical Company to United States Environmental Protection Agency's Request for Information – Safety Light Corporation Site, Bloomsburg, Pennsylvania.**

Dear Mr. Steinmetz:

The Dow Chemical Company submits this Response to the Information Request received November 17, 2005 from the U.S. Environmental Protection Agency (U.S.E.P.A.), Bureau of Land Management, concerning the Safety Light Corporation Site, Bloomsburg, Pennsylvania (the "Site").

Respondent reserves the right to supplement this response should any additional responsive information be discovered. Respondent has endeavored to answer the questions in U.S. Environmental Protection Agency's letter to the fullest extent reasonably possible. The enclosed information is being provided in an effort to cooperate with U.S.E.P.A. without admitting or acknowledging that U.S.E.P.A. has the authority to require production of the information requested, or that the statutory authority asserted in the information request is applicable. Additionally, nothing in this response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by U.S.E.P.A. or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the instant Request. The extremely broad scope of the Request, however, compels Respondent to raise objections to the Request, both general and specific. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this response. Respondent is not prepared; however, to undertake the overly broad and onerous burden demanded by the Request where that burden is not reasonably calculated to lend to pertinent or responsive information regarding the Safety Light Corporation Site, Bloomsburg, Pennsylvania.

Since the activities and information sought in this request occurred over 25 years ago, many documents no longer exist. Respondent has made every attempt to provide the

information. However, in many cases, records are incomplete or non-existent. Where partial records exist, such information has been provided.

General Objections

Respondent asserts the following General Objections to the Request. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent that the Request exceeds the scope of U.S.E.P.A.'s authority under Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927.
2. Respondent objects to the Request as overly broad and unduly burdensome. Specifically, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The activities and/or information that are the subject of the Request took place or may have taken place over 25 years ago.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of U.S.E.P.A.'s, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

The Dow Chemical Company's Response to Information Request of U.S.E.P.A.

1. Describe in detail the business relationship between Dow and Safety Light.

Response: Respondent has located no information which suggests The Dow Chemical Company had a business relationship with Safety Light, or any of the other business entities identified in EPA's request. Respondent is conducting an ongoing investigation

with regard to this matter and will notify EPA should any information responsive to this request be discovered.

2. Did Dow ever transport and/or broker hazardous substances and/or radioactive waste or other wastes that were disposed of or reclaimed by U.S. Radium, Lime Ridge Industries, USR Industries, USR Metals, Metreal or Isolite to the Site?

Response: See response to request 1.

3. If you answered "yes" to Question 2, please answer the following questions:

- a. Provide the name, current address (or most recent address available), telephone number, and contact person for each customer/generator/transporter for which you transported/brokered hazardous substances, radioactive waste or other wastes.

Response: Not applicable.

- b. Provide the time period during which you transported/brokered each customer/generator/transporter's hazardous substances, radioactive waste or other wastes.

Response: Not applicable.

- c. For each customer/generator/transporter for which you transported/brokered hazardous substances, radioactive waste or other wastes, provide:
 - i. the entity which received the hazardous substances, radioactive waste or other wastes (i.e., U.S. Radium, Lime Ridge Industries, USR Industries, USR Metals, Metreal, Isolite);

Response: Not applicable.

- ii. the type of hazardous substances, radioactive waste or other wastes that was disposed/reclaimed;

Response: Not applicable.

- iii. the amount of hazardous substances, radioactive waste or other wastes transported/brokered to the Site by you;

Response: Not applicable.

- iv. the dates of the pickup/delivery of the hazardous substances, radioactive waste or other wastes;

Response: Not applicable.

- iv. all personal and internal company documents and correspondence regarding the type and amount of hazardous substances, radioactive waste or other wastes, dates transported/brokered to the Site, and transactions with U.S. Radium, Lime Ridge Industries, USR Industries, USR Metals, Metral or Isolite;

Response: Not applicable.

- vi. the name, title, areas of responsibility, current (or most recent) addresses, and telephone numbers of other parties that have documentation or information pertaining to the transportation/disposal of hazardous substances, radioactive waste or other wastes at the Site.

Response: Not applicable.

- 4. Did Dow ever generate radioactive wastes or other wastes that were disposed of or reclaimed by U.S. Radium, Lime Ridge Industries, USR Industries, USR Metals, Metreal or Isolite at the Site?

Response: Respondent has located no information to suggest that Respondent ever generated radioactive wastes or other wastes that were disposed of or reclaimed by U.S. Radium, Lime Ridge Industries, USR Industries, USR Metals, Metreal or Isolite. Respondent is conducting an ongoing investigation with regard to this matter and will notify EPA should any information responsive to this request be discovered.

- 5. If you answered "yes" to Question 4, please address the following issues:
 - a. Please provide the following information regarding all wastes and by-products produced by your company during the period 1945 to the present:
 - i. the nature of radioactive waste or other wastes, hazardous substances, and/or by-products used, including their chemical content, characteristics, and physical state (i.e., liquid, solid, gas, or in the form of contaminated rags, cups, containers). Provide chemical analyses and Material Safety Data Sheets ("MSDSs"). If these analyses are not available for the period 1977-1991, submit analyses for the time period closest to these dates and describe, in detail, any changes in the process(es) in which radioactive waste or

other wastes were produced that would affect the chemical analyses;

Response: Not applicable.

- ii. the annual quantity of radioactive waste or other wastes, hazardous substances, and/or by-products used or generated;

Response: Not applicable.

- iii. the process(es) in which radioactive waste or other wastes, hazardous substances, and/or by-products were used or the process(es) that generated each;

Response: Not applicable.

- iv. the types of containers used to treat, store, or dispose of radioactive waste or other wastes, hazardous substances, and/or by-products;

Response: Not applicable.

and

- v. the method of treatment and/or disposal of the above.

Response: Not applicable.

- b. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons, including you, who, during the period 1945 to the present, may have:

- i. disposed of or treated radioactive or hazardous materials at the Site;

Response: Not applicable.

- ii. arranged for the disposal or treatment of radioactive or hazardous materials at the Site; and

Response: Not applicable.

- iii. arranged for the transportation of radioactive or hazardous materials to the Site (either directly or through transshipment points) for disposal or treatment.

Response: Not applicable.

- c. If your response to the above includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain these arrangements and provide documentation confirming the nature of those transactions. Please identify:

- i. the persons with whom you, or other such persons, made such arrangements;

Response: Not applicable.

- ii. every date on which such arrangements took place;

Response: Not applicable.

- iii. for each transaction, the nature and quantity of material, including its chemical content, characteristics, physical state (i.e., liquid, solid), and the process for which was used or the process that generated the substance;

Response: Not applicable.

- d. For each and every instance in which you/your company arranged for disposal or treatment of material at the Site, identify:

- i. the quantity (number of loads, gallons, drums) of materials that were used, treated, transported, disposed, or otherwise handled by you; and

Response: Not applicable.

- ii. any billing information and documents (invoices, trip tickets, manifests) in your possession regarding arrangements made with your company to generate, treat, store, transport, or dispose of materials at the Site.

Response: Not applicable.

- e. Provide the names, titles, and areas of responsibility of any persons, including all Dow employees, present and former, who are knowledgeable of the waste disposal practices of your company during the period 1945 to the present. Include current addresses and dates of birth for former employees.

Response: Not applicable.

- f. Describe any permits or applications and any correspondence between Dow and any regulatory agencies regarding materials transported to or disposed of at the Site.

Response: Not applicable.

- g. Provide copies of any correspondence between Dow and any third party regarding materials transported or disposed of at the Site.

Response: Not applicable.

- h. Provide the identity of, and copies of any documents relating to, any other person who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal, or transportation of such materials to the Site.

Response: Not applicable.

- j. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.

Response: Sandi VanWormer, Attorney, and Nanette Stieve, Paralegal, conducted an investigation and prepared the responses to these requests. Other than the search for responsive information, Ms. VanWormer and Ms. Stieve have no personal knowledge concerning this Site.

- k. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers, or who supplied documents reviewed or relied upon in the course of preparing your answers.

Response: Ms. Stieve contacted the following individuals for any information responsive to all the requests: Jim Weldy, CHP, CIH, Radiation and Industrial Hygiene Specialist; Joni Gruss, Records Management; and Dr. Charles Madden, retiree of Dowell, a former subsidiary of The Dow Chemical Company. These individuals may be contacted through Respondent.

- 6. If you have reason to believe there may be persons able to provide more detailed or complete responses to any question contained herein, or who may be able to provide additional responsive documents, provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons as well as additional information or documents they may have.

Response: Respondent knows of no such persons.

7. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody, or control, then provide the names, titles, areas of responsibility, current addresses, and telephone numbers of the persons from whom such information or documents may be obtained.

Response: Respondent knows of no such persons who may have information responsive to this request.

8. If you have any other information about other party(ies) who may have information that may assist the Agency in its investigation of the Site, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Response: Respondent knows of no such other parties who may have information to assist the Agency in its investigation of the Site.

9. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If pertinent records or documents were destroyed or are missing, provide us with the following:
- a. Your document retention policy;

Response: Respondent has no reason to believe such documents ever existed and is therefore unable to provide a response to this request.

- b. A description of how the records were destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

Response: See response to 9.a.

- c. A description of the type of information that would have been contained in the documents; and

Response: See response to 9.a.

- d. The name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Response: see response to 9.a.

A handwritten signature in black ink, reading "Sandi Van Wormer". The signature is written in a cursive, flowing style with a large initial "S".

Sandi Van Wormer
Senior Attorney

From: Origin ID: (989)636-2322
Nicole Crosby
The Dow Chemical Company
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Legal Department
MIDLAND, MI 48674



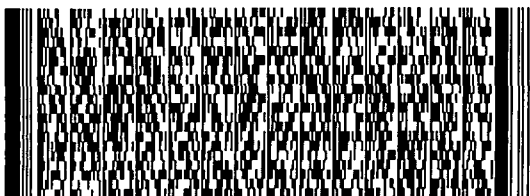
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SHIP TO: (215)814-3161

BILL SENDER

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1650 Arch St

Philadelphia, PA 191032029



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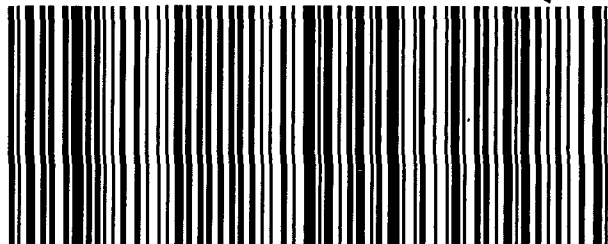
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